

CITY COUNCIL AGENDA

MARCH 28, 2017

SYNOPSIS

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO
VICE MAYOR

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=5322>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or City.Clerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

9:35 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: Diep. (Excused)

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present, except for Councilmember Lan Diep, who participated via teleconference for Item 3.5)*

6:30 p.m. - Public Hearings, Council Chambers, City Hall
Absent Councilmembers: Diep. (Excused)

**Councilmember Diep participated for Item 3.5 via Teleconference from the Business Center at Millenium Hilton, 55 Church Street, New York, NY 10007.*

- **Invocation (District 3)**

Rohnny Raeanna Vallarta from Movimiento de Arte y Cultura Latino Americana (MACLA) sang and performed "Come Home" by One Republic on the ukulele.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day** – *Heard after Ceremonial Items*

The Orders of the Day and the Amended Agenda were approved, with Item 3.5 not to be heard before 4:00 p.m.

Mayor Sam Liccardo acknowledged delegates from Dublin, Ireland, who were present to celebrate the City of San José’s 31-year bond with it’s Irish “Sister City”.

- **Closed Session Report** – *Heard after Ceremonial items*

City Attorney Doyle disclosed the following Closed Session action of March 28, 2017:

A. Authority to Pursue Appellate Review in a Litigation Case:

Case Name: Hernandez, et al. v. City of San José, et al.

Adverse Parties: Juan Hernandez, Nathan Velasquez, Frank Velasquez, Rachel Casey, Mark Doering, Mary Doering, Barbara Arigoni, Dustin Haines-Scrodin, Andrew Zambetti, Christina Wong, Craig Parsons, the Minor I.P., Greg Hyver, Todd Broome, Donovan Rost, Michele Wilson, Cole Cassady, Theodore Jones, Martin Mercado, Christopher Holland; City of San José, Police Officers Loyd Kinsworthy, Lisa Gannon, Kevin Abruzzini, Paul Messier, Paul Spagnoli, Johnson Fong, Jason TA; Anthony Yi; the Minor H.A.; the Minor S.M.; Victor Gasca; Daniel Arciga; Rafael Medina; Anthony McBride; and Does 1-55.

Council Vote:

Ayes: Jones, Jimenez, Peralez, Carrasco, Davis, Nguyen, Arenas, Rocha, Khamis; Liccardo.

Noes: None.

Disqualified: None.

Absent: Diep.

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring the month of March 2017 as “Arts Education Month” in the City of San José. (Rocha)

Mayor Sam Liccardo and Councilmember Donald Rocha offered a proclamation declaring the month of March 2017 as “Arts Education Month” in the City of San José.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation proclaiming the month of March 2017 as “American Red Cross Month” in the City of San José. (City Manager)
Mayor Sam Liccardo, Councilmembers Peralez, Jimenez, Rocha, Nguyen, Jones, Davis, Arenas, Khamis, Vice Mayor Magdalena Carrasco and City Manager Norberto Dueñas provided a proclamation proclaiming the month of March 2017 as “American Red Cross Month” in the City of San José.
Heard in the Evening.
- 1.3 Presentation of a commendation to Stephen Sherman, EMT, for his heroic efforts at the scene of a fatal hit and run accident in San José. (Jimenez)
Mayor Sam Liccardo and Councilmember Sergio Jimenez provided a proclamation recognizing Stephen Sherman, EMT, for his quick and valiant actions on October 2, 2016 at the scene of a fatal hit and run accident in San José. Stephen jumped into action blocking off traffic and providing urgently needed medical assistance to the victim. He assisted first responders to effectively do their job, and kept the public at large safe.
Heard in the Evening.
- 1.4 Presentation of a commendation to amateur boxer Xavier Meza. (Carrasco)
Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmember Sylvia Arenas presented a commendation to Xavier Meza, a student-athlete, who holds a 4.0 grade point average and ranks #1 in the state of California at 70 lbs. for his age group in amateur boxing with aspirations of making the USA Olympic Boxing team when he turns 18 years old.
Heard in the Evening.
- 1.5 Presentation of a proclamation declaring March 30, 2017 as “Welcome Home Vietnam Veterans Day” in the City of San José. (Khamis)
Mayor Sam Liccardo, Councilmember Johnny Khamis and former Vice Mayor Rose Herrera proclaimed March 30, 2017 as “Welcome Home Vietnam Veterans Day” in the City of San José.
- 1.6 **Irene Chavez, VP and Area Manager from Kaiser Permanente San José, presented a \$50,000 check from Kaiser Permanente to aid victims from the recent flooding disaster in San José.**

2. CONSENT CALENDAR

- 2.1 **Approval of City Council Minutes.**
None provided.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final Adoption of Ordinances.

- (a) ORD. NO. 29889 – An ordinance of the City of San José rezoning certain real property of approximately 4.9 acres, situated on the northeast side of San Felipe Road (3550 San Felipe Road) from the A Agricultural and R-1-5 Single Family Residence Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Mitigated Negative Declaration for Oakmont of Evergreen Assisted Living Facility. (Planning, Building and Code Enforcement)

Ordinance No. 29889 was adopted.

- (b) ORD. NO. 29890 – An ordinance of the City of San José rezoning certain real property of approximately 0.55 acre, situated on the east side of Aiello Drive, approximately 950 feet southerly of Umbarger Road (2744 Aiello Drive) from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

Ordinance No. 29890 was adopted.

- (c) ORD. NO. 29891 – An ordinance of the City of San José rezoning certain real property of approximately 0.42 acre, situated on the northwest corner of Seacliff Way and Tully Road (1645 Tully Road), from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

Ordinance No. 29891 was adopted.

- (d) ORD. NO. 29892 – An ordinance of the City of San José rezoning certain real property of approximately 0.34 gross acre situated on the west terminus of Sharon Drive, approximately 990 feet east of South De Anza Boulevard (7169 Sharon Drive), from the R-2 Two Residence Zoning District to the R-M(PD) Planned Development Zoning District. CEQA: Exempt, File No. PDC16-014, CEQA Section 15303(b), New Construction or Conversion of Small Structure. (Planning, Building and Code Enforcement)

Ordinance No. 29892 was adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation:

- (e) ORD. NO. 29893 – An ordinance of the City of San José rezoning certain real property of approximately 9.9-gross acres situated on the west side of South King Road approximately 840 feet north of Aborn Road (2905 South King Road), from the A(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration for the “2905 South King Road Ministorage & Light Industrial Project”. (Planning, Building and Code Enforcement)

Ordinance No. 29893 was adopted.

(9-1-1. Noes: Rocha, Absent: Diep.)

(First Reading: 11-0.)

- (f) ORD. NO. 29894 – An ordinance of the City of San José amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part for the Saint James Park Management District Fund. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment; Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism; and Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29894 was adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Smart Cities and Service Improvements Committee Minutes of March 2, 2017. (Jones)
- (b) Rules and Open Government Committee Minutes of March 8, 2017. (Mayor)
CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests. None provided.

2.5 City Council Travel Reports. None provided.

2.6 Report from the Council Liaison to the Retirement Boards. None provided.

2. CONSENT CALENDAR

2.7 Actions Related to the City Ground Lease and Loan Documents for Donner Lofts Apartments Located at 156 E. St. John Street.

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute amendments to the City's ground lease and loan documents for the restricted-affordable Donner Lofts property, located at 156 E. St. John Street, to accommodate permanent-period financing from the State Department of Housing and Community Development's Transit Oriented Development program. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Housing)
Resolution No. 78113 adopted.

2.8 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective March 28, 2017, to create the following classifications:

- (a) Supervising Community Service Officer (6126) with a salary range of \$79,248.00- \$96,553.60 annually;
- (b) Crime and Intelligence Data Technician (1199) with a salary range of \$52,374.40- \$63,668.80 annually; and
- (c) Police Cadet U PT (2213) with a salary range of \$29,702.40- \$36,171.20 annually.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code, Title 3. (Human Resources)

Resolution No. 78114 adopted.

2.9 Review of the Fiscal Year 2015-2016 Annual Development In-Lieu Fee Report.

Recommendation: Review of the Fiscal Year 2015–2016 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approvals of any City Actions. (Public Works)

Accepted.

2.10 Agreement with Kimley-Horn and Associates, Inc. for Traffic Signal Retiming Services.

Recommendation: Approve a Continuation Agreement between the City of San José and Kimley-Horn and Associates, Inc. for traffic signal retiming services, to increase the maximum compensation from \$200,000 to \$464,000, and extend the contract term by one year to December 31, 2017. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council Districts 2, 3, 4, 5, 7, and 8. (Transportation)

Approved.

2. CONSENT CALENDAR

2.11 Actions Related to Councilmember Diep's Travel to New York, NY.

Recommendation:

- (a) Retroactively authorize travel by Councilmember Diep to New York City, NY from March 26 – March 29, 2017 as an official representative of the City of San José in attending a gathering hosted by Local Progress and New York City Council Speaker Melissa Mark Viverito with nationwide local elected officials to explore and develop legislative, legal, organizing, and budgetary strategies in the event federal funding to cities is lost due to local policies related to immigration;
- (b) Retroactively authorize excused absences for Councilmember Diep from the following meetings due to Authorized City Business:
 - (1) March 27, 2017 Community and Economic Development Committee; and
 - (2) March 28, 2017 City Council meeting.
- (c) Retroactively approve the receipt of gifts from the Center for Popular Democracy for air travel and meals received in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.040(C).

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Diep)

Retroactively authorized.

2.12 Amicus Curiae Briefs for Court Cases Challenging Executive Orders on Immigration.

Recommendation: Authorize the City Attorney to join in Amicus Curiae briefs along with the City of Chicago and other cities in the federal court cases challenging President Trump's Executive Orders on immigration. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Attorney)
Authorized.

2.13 District 2 SAP Grant.

Recommendation: As recommended by the Rules and Open Government Committee on March 22, 2017, retroactively approve a \$500 grant to the Santa Teresa Little League to support their upcoming recreational season in San José. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Jimenez)
Approved.

3. STRATEGIC SUPPORT SERVICES

- 3.1 **Report of the City Manager, Norberto Dueñas (Verbal Report).**
City Manager Norberto Dueñas noted the City's extremely successful airport refunding bond sale and congratulated the Finance Department, the Airport Department, and the support from our City Attorney's Office for all their efforts over the past year.

3. STRATEGIC SUPPORT SERVICES

- 3.2 **Recommendation:** Accept Labor Negotiations Update.
None provided.

- 3.3 **Continuation of the Proclamation of the Existence of a Local Emergency and Discussion of Current Flood Recovery Efforts.**

Recommendation:

- (a) Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding.
- (b) Discussion of current flood recovery efforts.

CEQA: Statutory Exempt, Section 15269, Emergency Projects Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

Resolution No. 78115 adopted, including the memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, and Councilmembers, Raul Peralez, Lan Diep and Tam Nguyen, dated March 23, 2017, directing the City Attorney to bring unfair business practices law suits, per sections 17200 & 17500 of California's Business and Professions Code, against businesses and property owners who have taken advantage of flood victims with unfair business practices. The City Attorney may do so either alone, or may work with nonprofits providing legal assistance to bring private actions. The City Attorney should return through the budget process to identify dollars needed to perform this work. The City Attorney should report back to City Council, in closed session if more appropriate, the status of any private actions taken.

- 3.4 **Annual Summary of Labor Negotiations. DEFERRED**

Recommendation: Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports that involve no approvals of any City Actions. (City Manager)

Deferred to 4/4/17 per Administration

- 3.5 **Approval of the Fiscal Year 2017-2018 Mayor's March Budget Message.**

Recommendation:

- (a) Conduct a Public Hearing on the FY 2017-2018 Mayor's March Budget Message.
- (b) Approve the FY 2017-2018 Mayor's March Budget Message.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports that involve no approvals of any City Actions. (Mayor)

Public hearing held.

Approved, including the memorandum from Councilmember Donald Rocha, dated March 27, 2017, that as part of the Manager's Budget Addendum (MBA), as staff was directed to prepare on park maintenance enhancements at the March 21

(Item Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.5 Approval of the Fiscal Year 2017-2018 Mayor's March Budget Message (Cont'd.)

council meeting, staff is directed to analyze a funding strategy that would defund programs which are currently funded with ongoing money in the base budget, and use the savings to fund park maintenance enhancements. Staff may make their own recommendations as to which programs the Council may want to consider defunding, or, if they do not wish to make recommendations, can use the list of suggestions included in the analysis section of Councilmember Rocha's memorandum dated March 27, 2017. For each program, staff should provide information and analysis that would help the Council evaluate whether it should be defunded, including the following: the amount of ongoing money that could be freed up in FY 2017-18 by defunding the program, a description of the services the program currently provides, and the number of positions that would be cut.

3.6 2017-2019 Innovation and Technology Strategic Plan.

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on March 2, 2017, review and accept the City of San José 2017-2019 Innovation and Technology Strategic Plan. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Assessments that involve no approvals of any City Actions.

[Smart Cities and Service Improvements Committee referral 3/2/17 – Item (d)(2)]
(Deferred from 3/21/17 – Item 3.5)

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Construction Tax Modification. *DEFERRED*

Recommendation: As recommended by the Community and Economic Development Committee on January 23, 2017, accept the report and approve an ordinance to:

- (a) Amend Title 4 of the San José Municipal Code to create a temporary partial suspension from the Commercial-Residential-Mobilehome Park Building Tax (SJMC 4.47) to achieve a rate of 1% for the following uses:
 - (1) Office, General Business (SJMC 20.200.813)
 - (2) Office, Research and Development (SJMC 20.200.818)
 - (3) Data Center (SJMC 20.200.265) to allow the City Council the flexibility to review the uses included and verify that these sectors are being accurately represented this provision shall sunset March 31, 2022.

(Item Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Construction Tax Modification. *DEFERRED (Cont'd.)*

- (b) Amend Section 4.82.320 of Chapter 4.82 of Title 4 of the San José Municipal Code to authorize the City Manager or designee to compromise or settle tax refund claims for amounts between fifty thousand dollars (\$50,000.00) and a threshold to be determined by the City Council in its consideration of the proposed ordinance, with the written approval of the City Attorney.

CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Economic Development)

[Community and Economic Development Committee referral 1/23/17 – Item (d)(2)]

(Deferred from 2/14/17 – Item 4.1, 2/28/17 – Item 4.1, et al, and 3/28/17 – Item 4.1)

Deferred to 4/4/17 per Administration

4.2 Agreement with Asha Companies for the Parking Operations and Maintenance of Edenvale Garden Park Parking Facility.

Recommendation: Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Parking Operations and Maintenance Agreement of the Edenvale Garden Park Parking Facility with Asha Companies, based upon the terms and conditions outlined in the memorandum to Council. CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-016. Council District 2. (Economic Development)

Resolution No. 78116 adopted, including the memorandum from Councilmember Sergio Jimenez and Councilmember Raul Peralez dated March 24, 2017, to adopt the proposed resolution authorizing the City Manager or his designee to negotiate and execute a Parking Operations and Maintenance Agreement of the Edenvale Garden Park Parking Facility with Asha Companies, based upon the terms and conditions outlined in the memorandum to Council.

4.3 Update on the Calendar Year 2016 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element.

Recommendation: Accept the Calendar Year 2016 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element, which includes as an attachment the Fiscal Year 2015-16 Housing Successor to Redevelopment Agency Annual Report, per reporting requirements of Senate Bill 341 Redevelopment. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports. (Planning, Building and Code Enforcement/Housing)
Accepted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the 7651 – The Alameda – A Plan for the Beautiful Way Project.

Recommendation:

- (a) Report on bids and award of contract for the 7651 – The Alameda – A Plan for the Beautiful Way Project – Phase II to the low bidder, Redgwick Construction Co., in the amount of \$3,683,335, and approve a ten percent contingency in the amount of \$368,334.

Accepted.

- (b) Adopt the following 2016-2017 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

- (1) Increase The Alameda Phase II appropriation to the Transportation Department by \$750,000; and
 - (2) Decrease the Ending fund balance by \$750,000.

CEQA: Exempt, File No. PP13-046, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 6. (Public Works/Transportation/City Manager)

Ordinance No. 29896 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Declaration of End of City-Wide Water Supply Shortage.

Recommendation:

- (a) Adopt a resolution declaring an end to the City-wide water supply shortage and superseding Resolution No.77833.
- (b) Direct staff to continue to promote efficient water use practices.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Environmental Services)

Resolution No. 78117 adopted.

7.2 Actions Related to the Recycle Plus Residential Solid Waste Agreements.

Recommendation: Direct staff to initiate negotiations with all existing Recycle Plus residential solid waste contractors to negotiate new agreements that would replace the existing agreements, which will expire June 30, 2021, and return to Council by September 2017:

- (a) For consideration of term sheets detailing the key service enhancements and cost provisions in the new service agreements if negotiations are successful; or
- (b) To report on a timeframe and strategy to complete a procurement process if negotiations are not successful.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Environmental Services)

Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 Report on Bids and Award of Contract for the 8341-Sanitary Sewer Repairs 2016-17 Package II Project.

Recommendation: Report on bids and award of contract for the 8341-Sanitary Sewer Repairs 2016-17 Package II to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,384,504, and approve a ten percent contingency in the amount of \$138,450. CEQA: Exempt, File No. PP17-024, CEQA Guidelines Section 15301(b), Existing Facilities, and Section 15302(c), Replacement or Reconstruction. Council District 6. (Public Works)
Accepted.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**

1. Blair Beekman addressed cybersecurity issues.
2. Andrew Dawson urged the clean-up of San José's creeks, identifying areas that are full of garbage.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing held.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar. No Public Hearings on Consent.

11. PUBLIC HEARINGS

11.2 STUDY SESSION PRESENTATION: Land Use Overview.

Recommendation: Accept the staff presentation on land use planning in San José, including development history, major strategies of the Envision San José 2040 General Plan, key area plans and policies, and workplan priorities. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)

(Deferred from 2/28/17 – Item 11.2)

Accepted.

- **Adjournment**

The Council of the City of San José adjourned at 8:51 p.m. in the memory of Frank Navarro, who passed away on February 26, 2017. It is our honor to recognize Frank for his many contributions to our community and his dedication to guiding, teaching and motivating children as a coach for the Eastridge Little League. He will be remembered for his passion, drive and absolute love for coaching. (Perez)

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

| <u>Tract</u> | <u>Location</u> | <u>Council District</u> | <u>Developer</u> | <u>Lots/Units</u> | <u>Type</u> |
|--------------|--|-----------------------------|---|-------------------|-------------|
| 10415 | 0 Araujo Street (Westerly Terminus of Pietro Dr.) | 4 | Rescom Development & Investment Inc. | 10 / 9 | SFD |